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CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY D.A.
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

THE UNITED STATES OF AMERICA, )
)
Plaintiff, )
)
v. )
)
4.17 ACRES OF LAND, MORE OR LESS ) Civil No. EP-08-CV-0430-DB
SITUATE IN HUDSPETH COUNTY, )
STATE OF TEXAS; GSC CHIPOTLE TEXAS, )
LTD. and GALE CARR, ET AL., )
)
Defendants. )

**FINAL JUDGMENT AND ORDER OF**
**DISTRIBUTION AS TO JUST COMPENSATION**

Pursuant to the Joint Motion for Entry of Final Judgment and Final Order Establishing Just Compensation, signed and jointly filed herein by the Plaintiff, United States of America, and the Defendants, GSC CHIPOTLE TEXAS, LTD. and GALE CARR, INDIVIDUALLY, in settlement of all claims, **IT IS HEREBY ORDERED AND ADJUDGED**, that:

1. The full and just compensation payable by the Plaintiff for the taking of the stated interests in the property identified in the Complaint in Condemnation Pursuant to Declaration of Taking, filed herein, together with all improvements thereon and appurtenances thereto belonging, shall be the sum of $8,000.00, along with any interest earned on the just compensation, which sum shall be all inclusive.
2. Judgment shall be, and is hereby, entered against the United States of America in the amount of $8,000.00.
3. At the time that this instant action was filed, the Plaintiff deposited the total sum of

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$8,000.00 into the Registry of the Court, and upon deposit of said $8,000.00 into the Registry of the Court, title to the subject property, more fully described in the Complaint, to the extent set forth in the Declaration of Taking, vested in the name of the United States of America, by operation of law. The United States was, additionally, found by this Court to be entitled to immediate possession of said land, and all persons in possession or control of the subject property were ordered by this Court to surrender possession of the subject property to the United States.

4. The said sum of $8,000.00, along with any interest earned on the just compensation, shall constitute full and just compensation and shall be in full satisfaction of all claims of whatever nature against the United States by reason of the institution and prosecution of this action and taking of the said land, and all appurtenances thereto belonging.

5. The said sum of $8,000.00, along with any interest earned on the just compensation, shall be subject to all real estate taxes, liens, encumbrances, and charges of whatever nature existing against the said property at the time of vesting of title thereto in the United States of America, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from the said sum.

6. The Clerk of the Court shall, without further order of this Court disburse the sum of $8,000.00, along with any interest earned on the just compensation which was deposited into the Registry of the Court, less the 10% registry fee charged solely against the interest accrued thereon, to defendant, Gale Carr, P. O. Box 158, Fort Hancock, Texas 79839.

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7. The Defendants, GSC Chipotle Texas, Ltd. and Gale Carr, Individually, have warranted that they were the owner of the subject property on the date of taking; that they had the exclusive right to the compensation, herein, excepting the interests of parties having liens, encumbrances of record, and unpaid taxes and assessments, if any; and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
8. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the property taken in this case, the Defendants, GSC Chipotle Texas, Ltd. and Gale Carr, Individually, shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, calculated in accordance with the provisions of Public Buildings Property and Works, 40 U.S.C. 3116 (2006), from the date of receipt of the deposit by the Defendant to the date of repayment into the Registry of the Court.
9. The Defendants, GSC Chipotle Texas, Ltd. and Gale Carr, Individually, shall save and hold harmless the United States of America from all claims or liability resulting from any unrecorded leases or agreements affecting the subject property on the date of taking.
10. The parties shall be responsible for their own legal fees, costs, and expenses; including attorneys' fees, consultant's fees, and any other expenses or costs.

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11. The signatory parties hereto shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all orders and judgments necessary to effectuate this stipulated judgment.

12. This case shall be administratively **CLOSED**, but this Court shall retain jurisdiction over this matter, if necessary, to address any additional claims by real parties in interest revealed by the title examination and to clarify the description of the property taken as shown by survey result..

**SIGNED and ENTERED** this 29th day of January, 2009, at El Paso, Texas.

DAVID BRIONES
UNITED STATES DISTRICT JUDGE